UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: NATIONAL FOOTBALL LEAGUE

PLAYERS' CONCUSSION INJURY

LITIGATION

No. 2:12-md-02323-AB

MDL No. 2323

Hon. Anita B. Brody

THIS DOCUMENT RELATES TO:

ALL ACTIONS

REPORT OF THE SPECIAL MASTERS

- 1. Wendell E. Pritchett and Jo-Ann M. Verrier, as Special Masters appointed by the Court on July 13, 2016 (ECF 6871), and David Hoffman, appointed by the Court on March 5, 2020 (ECF 11022) pursuant to Article X of the Class Action Settlement Agreement (Settlement Agreement) in this matter, submit this Report to the Court alongside Status Reports from the Claims Administrator, Brown Greer LLC ("Claims Administrator"), and the Baseline Assessment Program Administrator, Garretson Resolution Group ("BAP Administrator"; now known as Epiq Mass Tort), to provide an update on the Agreement's effectuation and progress.
- 2. The Special Masters have reviewed the 4th Quarter 2020 Status Reports submitted by both Administrators. These accurately and thoroughly reflect the work of both firms.

3. The Special Masters augment their regular reports to the Court by highlighting work detailed in these Status Reports and outlining work that is beyond the purview of the Claims and BAP Administrators.

Overall Administration

- 4. The Special Masters continue to participate in bi-weekly calls with the Claims Administrator and the BAP Administrator. Additionally, both Administrators make themselves available for additional discussions and communications as necessary to support the fair and efficient administration of the Settlement Agreement.
- 5. The Special Masters remain constantly informed about the progress of all Claims through the Claims Administrator's robust systems, including its published reports as found on the NFL Concussion Settlement website.
- 6. Each month, after review with the Claims Administrator, the Special Masters approve the monthly disbursement report to the Trustee authorizing payments of Monetary Awards to Settlement Class Members (SCMs) as well as to relevant attorneys, lienholders, and third-party funders where appropriate.
- 7. The Special Masters are informed about the BAP Administrator's management of requests for and scheduling of Baseline Assessment Program examinations as well as of the BAP Administrator's ongoing work to ensure that trained BAP authorized neuropsychologists and neurologists complete their work effectively. The BAP Administrator also oversees the Supplemental Benefits program for Players within the Settlement Agreement.
- 8. The Special Masters ensure that the work of the Administrators is communicated to the Court via their regular reports and other communication and ensure the Court's input into matters arising in the efficient and fair administration of the Settlement Agreement.

Baseline Assessment Program Milestones

- 9. Due to the COVID-19 Pandemic, the BAP Administrator has continued to experience unusually heavy appointment cancellations, with 219 appointments cancelled by Qualified BAP Providers and 150 appointments cancelled by Retired NFL Football Players during the 4th Quarter of 2020. The BAP Administrator has worked diligently to mitigate the disruptions caused by the pandemic, including working to reschedule appointments and ensuring that there will not be negative consequences for cancellations caused by COVID-19.
- 10. The BAP Administrator has received requests for appointments from 57.6% of Players eligible to receive a BAP examination, and has offered one or more appointments to 99.5% of those Players.
- 11. The BAP Administrator oversees a Supplemental Benefit program for Players diagnosed with Level 1 Neurocognitive Impairment under the Settlement Agreement. As of January 4, 2021, 192 Players had been notified of their eligibility to participate in the program, and 161 had completed orientation. As part of this program, the BAP Administrator is currently piloting a cognitive rehabilitation therapy service in response to request from participating Players.
- 12. As of January 4, 2021, 5,766 Players have had full BAP examinations completed, resulting in 114 Level 2 diagnoses, 178 Level 1.5 diagnoses, 203 Level 1 diagnoses (entitling these Players to Supplemental Benefits under the Settlement Agreement), and 4,978 cases with no diagnosis.

Claims Administrator Milestones

13. As of January 4, 2021, the Claims Administrator issued 1,203 Notices of Monetary Award, totaling \$819,371,459. The Program has paid 1,172 of these claims, for a total payment to date to Settlement Class Members of \$760,011,000.

Audits

- 14. Under the terms of Section 10.3 of the Settlement Agreement, the Special Masters review determinations of the Claims Administrator concerning misrepresentation, omission, or concealment of a material fact in connection with a Monetary Award Claim.
- 15. The Claims Administrator continues its careful and detailed recommendations of Audits to the Special Masters, detailed on pages 17-19 of its most recent quarterly report. The Special Masters are carefully following the work of the Claims Administrator on investigation.
- 16. As of January 4, 2021, the Special Masters have several matters under consideration from the Audit process and will be reporting on these in the upcoming quarter.

Appeals

- 17. Alongside the Special Masters' authority to hear appeals of Registration determinations under the terms of Section 10.1(b)(i)(3) of the Settlement Agreement, the Court has directed the Special Masters to hear appeals of the Claims Administrator's decisions on Claims pursuant to the Rules Governing Appeals of Claim Determinations.
- 18. Between September 14, 2020 and January 4, 2021, the Special Master issued dispositions on 19 appeals, 13 of which were by opinion. Of the 13 by opinion, 11 have been published online to the Settlement Portal.

Education Fund

19. Pursuant to Article XII of the Settlement Agreement, an Education Fund was established to fund programs promoting safety and injury prevention with respect to football players, including safety related initiatives in youth football, the education of Retired NFL Football Players regarding the NFL CBA Medical and Disability Benefits, and other educational initiatives benefitting Retired NFL Football Players.

- 20. As reported previously, the Parties have established three programs in response: an educational communication with Players about on-going benefits; a program in youth sports safety run with the Korey Stringer Institute; and a research program focused on data that Players have voluntarily contributed to this effort run in connection with Columbia University.
- 21. On March 23, 2020, the Court issued an Order accepting the Parties' proposals for these Programs.
- 22. Each of these Programs is underway: contracts with the Korey Stringer Institute and with Columbia University have authorized the start of work with those projects. In each case, the Program will seek to engage the Player community in the on-going work.

Respectfully submitted,

Wendell E. Pritchett

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Special Master

Special Master

David A. Hoffman

Special Master